

REMARKS

Claims 1-23 are pending in this application. Claims 24-34 are added herein. Claims 1, 9, 18, 21, 24 and 31 are independent.

Claims 1-23 stand rejected under 35 U.S.C. §103(a) as obvious over Bartoli, (U.S. Patent No. 6,047,268) in view of Elgamal (U.S. Patent No. 6,029,150). The rejection is respectfully traversed.

The Examiner relies on Bartoli as teaching all recited features of the invention except for the requirement that the payment account not be known by the seller. The Examiner relies on Elgamal as disclosing this feature. More particularly, the Examiner asserts that Bartoli discloses in Figures 2a-2b, column 4, lines 37-60, and column 7, line 5, through column 9, line 64, that a financial institute at which a purchaser's account is maintained receives an authorization of the purchaser to pay the purchase price through the transfer of funds from the purchaser's account to a seller, determines if sufficient funds are available in the account, and transmits, to the seller, an authorization for the seller to proceed with delivery if the funds are determined to be sufficient. The Examiner further contends that in the referenced disclosure Bartoli also discloses the transmitting, by the seller, of information identifying a plurality of payment options including payment by the transfer of funds to the seller, payment by at least one of a credit card and debit card, and the selection by the purchaser of the payment by fund transfer from the payment options.

The Examiner further relies on column 8, lines 1-6 and 37-44, and column 7, lines 57-61, of Bartoli as disclosing the selection of the payment by a transfer of funds, the transmission of the selected product and purchase price information from the purchaser to the financial institute

responsive thereto, and the directing of the transfer of funds to the seller in response to the receipt of a notice of delivery by the financial institute, as recited in claims 6-8.

However, contrary to the Examiner's position, as indicated in Figure 1, Bartoli discloses a billing system 104, and not a payment system. In fact no financial institute is depicted in any of Figures 1-3 or otherwise described. As described in column 2, lines 19-24, Bartoli's sole objective is the development of an improved billing methodology. As described in the referenced text in column 4 (see lines 42-49), at registration the user establishes an account which requires a billing name, address, email address, and billing preference for charges made to the account.

With regard to the billing preference, direct billing to the email or postal address, to a telephone bill or to a credit or debit card can be specified. However, there is nothing within Bartoli to suggest that a deposit account be specified or that the billing system 104 could or should direct the transferring of funds from such a deposit account to a seller. Rather, each of the explicitly described billing preferences is a vehicle for presenting a bill to the purchaser which must be subsequently paid by the purchaser.

As described in the referenced text in columns 7-9, when a purchase clicks to buy, the order information is sent from the purchasers terminal to the billing system 104. This is true notwithstanding the billing preference which has been selected during registration. Authorization is granted based upon certain prespecified limits. Bartoli lacks any teaching or suggestion that the authorization be based upon an amount deposited in or credited to a deposit account from which funds can be transferred.

Furthermore, the billing system authorization is directed to the purchaser for final approval, rather than being directed from the authorizing entity directly to the seller. The transmission of the authorization back to the purchaser before being transmitted by the purchaser to the seller is required because according to Bartoli, the purchaser must approve the charges subsequent to, rather than before, authorization by the authorizing entity. The billing server 107 sends the transaction information to the billing platform 110 for billing the user based on the user billing preference and the bill must then be paid by the user, after which the billing system settles with the merchant (see column 8, lines 1-6).

Elgamal is directed to securing communications for credit card payments (see column 2, line 66, through column 3, line 11), and hence lacks any disclosure of transferring funds from a deposit account to pay for an online product purchase. As discussed in the referenced text in column 22, the Secure Courier Payment Instruction hides the charge account number from the merchant. Accordingly, the applied combination of art teaches a billing system in which charge card numbers can be hidden from the seller.

Thus, the applied combination of art lacks any teaching or suggestion of an account from which funds will be transferred to a seller, the transmission of an authorization of the purchaser to pay the purchase price through a transfer of the funds from such an account, the determination if funds in such an account are sufficient, and the transmission of an authorization from a financial institute network device to a seller network device to proceed with delivery only if the funds in such an account are determined to be sufficient as required by claim 1.

Accordingly, it is respectfully submitted that claim 1 and its dependencies (i.e. claims 2-8) patentably distinguish over

the applied combination of art. It is therefore respectfully requested that the rejection of these claims be reconsidered and withdrawn.

It is also respectfully submitted that the claim 1 dependencies also recite features which further and independently distinguish over the applied art combination. Such features include, but are not necessarily limited to, the transmitting by the seller device of a plurality of payment options including payment by the transfer to the seller of the funds in a purchaser deposit/credit account and the selection at the purchaser device of the transfer of funds as the payment option, as required by claim 3; the transmission of an authorization of the purchaser to the financial institute to pay the purchase price through the transfer of funds from the purchaser account, as required by claim 4; the transmission of the information to the financial institute device by the purchaser device responsive to the selection of payment by the transfer of funds from the payment options, as required by claim 5; the automatic hyperlinking after selection of payment by the transfer of funds from the payment options, as recited in claim 6; and the directing of the transfer of funds to the seller responsive to receipt of the notice of delivery at the financial institute device, as required by claim 7.

Claim 9 requires an account from which funds are transferred to pay the purchase price, an authorization of the purchaser to the financial institute to pay the purchase price by the transfer of funds, a determination if sufficient funds are available in the account and the transmission of an authorization if the funds are determined to be sufficient. It is respectfully submitted that all of these features are lacking in the applied prior art for reasons which should be clear from the above. Accordingly, it is respectfully submitted that claim

9 and its dependencies (i.e. claims 10-17) patentably distinguish over the applied art combination. It is therefore requested that the rejection of claims 9-17 be reconsidered and withdrawn.

Additionally, features recited in dependent claims 10-17, further and independently distinguish over the applied combination of art. Such features include, for example, the plurality of options and the selection of payment by transfer of funds, as recited in claim 11; the transmission of a purchaser authorization to the financial institute, as recited in claim 12; the automatic establishment of a hyperlink upon selection of the transfer of funds as the payment option, as required by claim 15; and the transmission of a directive to transfer funds responsive to receipt of the notice of delivery, as required in claim 16.

Claim 18 requires a plurality of payment options including payment by transfer to the seller of funds from an account of the purchaser, selection of payment by the transfer of funds, automatic generation of the signal responsive to selection of the payment by transfer of funds option, receipt of a request to approve payment of the purchase price by transfer of funds to the seller by the financial institute, transmission of a purchaser approval of the payment by the transfer of funds by the financial institute, and receipt of an account statement indicating funds had been transferred from the account by the financial institute.

It is respectfully submitted that these features are neither taught nor suggested in the applied combination of art. Accordingly, it is respectfully requested that the rejection of claim 18 and its dependencies (i.e. claims 19-20) be reconsidered and withdrawn.

Claim 21 requires that a request for purchaser approval of a payment through the transfer of funds by the financial institute be transmitted, that a purchaser approval of the payment be received, that a determination be made if the funds to be transferred from a purchaser account to the seller are sufficient, that a direction to transfer to funds in payment of the purchase price be transmitted, and that an account statement indicating that the funds have been transferred in payment of the purchase price be transmitted. It is respectfully submitted that the applied prior art combination lacks any teaching or suggestion of these features. Therefore, it is respectfully requested that the rejection of claim 21 and its dependencies (i.e. claims 22 and 23) be reconsidered and withdrawn.

New claims recite the invention in a somewhat different manner. More particularly new claims 24-34 are directed to the disclosed differences in the described operations based upon selection of one payment option versus another payment option. It is respectfully submitted that the new claims patentably distinguish over the applied combination of art for reasons which should be clear from the above discussion.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

DOCKET NO: 3350-29
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paper, including extension of time fees, to Deposit Account 12-0427 and please credit any excess fees to such deposit account.

Respectfully submitted,
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